

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE: COOK MEDICAL, INC, IVC FILTERS
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

Case No. 1:14-md-2570-RLY-TAB
MDL No. 2570

This Document Relates to Plaintiff(s):

STEPHANIE BROWN, as Personal Representative
of the ESTATE OF MATTHEW A. BROWN,
Deceased

Civil Case # 1:20-cv-06247-RLY-TAB

SECOND AMENDED SHORT FORM COMPLAINT

COMES NOW the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The Master Complaint in MDL No. 2570 by reference (Document 213). Plaintiff(s) further show the court as follows:

1. Plaintiff/Deceased Party:

Matthew A. Brown (Deceased)

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

Stephanie Brown, as Personal Representative of the Estate of Matthew A. Brown, D

4. Plaintiff's/Deceased Party's state of residence at the time of implant:

District of Columbia

5. Plaintiff's/Deceased Party's state of residence at the time of injury:

Kentucky

6. Plaintiff's/Deceased Party's current state of residence:

Kentucky

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court, District of Columbia

8. Defendants (Check Defendants against whom Complaint is made):

- Cook Incorporated
- Cook Medical LLC
- William Cook Europe ApS

9. Basis of Jurisdiction:

- Diversity of Citizenship
- Other: _____

a. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

For purposes of remand and trial, venue is proper pursuant to 28 U.S.C. §1331 in the federal judicial district of each Plaintiff's state of residence. A substantial amount of activity giving rise to the claims occurred in this District, and Defendants may be found within this District. Therefore, venue is proper in this jurisdiction under 28 U.S.C. §1331.

b. Other allegations of jurisdiction and venue:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim

(Check applicable Inferior Vena Cava Filters):

- Günther Tulip® Vena Cava Filter
- Cook Celect® Vena Cava Filter
- Gunther Tulip Mreye
- Cook Celect Platinum
- Other:

11. Date of Implantation as to each product:

2008

12. Hospital(s) where Plaintiff was implanted (including City and State):

MedStar Georgetown University Hospital

Washington, DC

13. Implanting Physician(s):

Unknown

14. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Failure to Warn
- Count II: Strict Products Liability – Design Defect
- Count III: Negligence
- Count IV: Negligence Per Se

Count V: Breach of Express Warranty

Count VI: Breach of Implied Warranty

Count VII: Violations of Applicable District of Columbia (insert State) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

Count VIII: Loss of Consortium

Count IX: Wrongful Death

Count X: Survival

Count XI: Punitive Damages

Other: _____

Other: Fraudulent Concealment _____

(please state the facts supporting this Count in the space, immediately below)

Additional facts supporting Counts I, III, V, VI, VII, XI and Fraudulent Concealment are included in Exhibit "A" which is incorporated by reference herein. _____

15. Attorney(s) for Plaintiff(s):

Ben C. Martin _____

Thomas Wm. Arbon _____

16. Address and bar information for Attorney for Plaintiff(s):

3141 Hood Street, Suite 600, Dallas, TX 75219

Ben C. Martin, SBN: 13052400

Thomas Wm. Arbon, SBN: 01284275

RESPECTFULLY SUBMITTED this 14th day of May 2025.

/s/ Ben C. Martin

Ben C. Martin, Esquire (TX Bar No. 13052400)
BEN MARTIN LAW GROUP, PLLC
3141 Hood Street, Suite 600
Dallas, TX 75219
Telephone: (214) 761-6614
Facsimile: (214) 744-7590
bmartin@bencmartin.com

Attorney for Plaintiff